

## **Remarks**

The Final Office Action of May 27, 2010 has been carefully considered. Claims 1 and 13 are currently amended. Claims 1 – 3 and 5 - 19 are currently pending.

## **Claim Rejections**

### **Claim Rejections - 35 U.S.C. § 112**

Claims 13 and 14 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 13 is amended to so that "monomer" P(Bi) is changed to polymer blocks.

### **Claim Rejections - 35 U.S.C. § 102/103**

Claims 1 - 3 and 5 - 19 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 102(b) as being unpatentable over Kegley (WO 00/12645). This rejection is traversed.

Claim 1 is amended so that K1 consists of one or more units of P(A1)-P(B1)-P(A1) and K2 consists of one or more units of P(B2)-P(A2)-P(B2). In contrast to the invention as claimed, Kegley discloses an ABAD tetra block copolymer and ABA triblock copolymer. ABAD is not the same as the recited BAB component. Seemingly, the Examiner concluded that the claim in the previous amendment did not exclude ABAD. While the Applicants disagree, the claims as currently amended make clear that the C2 block copolymer is the inverse of the C1 block copolymer. Accordingly, the reference does not anticipate the currently pending claims.

Additionally, the Kegley discloses this combination as optional. Kegley specifically contemplates using the ABAD copolymer and the ABA copolymer alone. Specifically, Kegley teaches a linear block copolymer of the formula of ABAD and/or ABA. The comparative data in the Specification is the closest prior art (as opposed to the compositions in Kegly). Clearly the reference does not recognize the importance of a mixture between the triblock copolymer and its inverse triblock copolymer wherein the combination provides unexpected results as discussed with regard to the previous references. Accordingly, removal of the rejection is respectfully requested.

### **Double Patenting Rejection**

Claims 1 - 3 and 5 – 19 of are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 35 of U.S. Patent No. 6,703,441. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 15 of U.S. Patent No. 7,067,581. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 25 of U.S. Patent No. 6,723,407.

Claims 1 - 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 11 over co-pending Application No. 10/537,469. Terminal disclaimers were filed with the previous response but were not accepted. Replacement Terminal Disclaimers will be filed once the pending rejections have been resolved.


### **Conclusion**

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1 - 3 and 5 - 19 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefore. Please charge any required petition fee to Deposit Account No. 14-1263.

Respectfully submitted,

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November 16, 2010

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Attorney Docket No.: 101769 304